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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/577,722
Filing Date: May 23, 2000
Appellant(s): BLAKELY ET AL.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/16/07 appealing from the Office action mailed 1/3/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

A Decision regarding the previous appeal of this application was issued by the Board of Patent Appeals and Interferences on September 28, 2006.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,623,529	LAKRITZ	9-2003
6,396,951	GREFENSTETTE	5-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 3-4, 6-7, 9 remain rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz (US Pat No. 6,623,529 B1, 9/23/03, filed 1/28/99, priority 2/23/98).

Regarding independent claim 1, Lakritz discloses:

- creating text in the first language (**col 5, lines 27-40**: creating a web document in one language, which is considered as the first language), the text being in a single discreet document (**col 7, lines 3-30**: *"A single document can easily support many languages and countries... This significantly reduces the number of documents that have to be maintained on the site and makes it very easy to add new languages... allows multilingual content to be served even if an HTML file is not specifically tagged ..."*)
- using HTML 'lang' attribute to set at least one target language for a portion of the text which is different from the first language (**col 5, lines 41-49**: the fact that special tags are provided to insert language or country-specific content into an HTML document shows that the language inserted into a portion of the HTML document is different from the language used for the whole web document; **col 6, lines 3-34**: *"This allows ..., such that only a portion of the documents on the site*

need be translated ... this also gives the customer the option of translating only a subset of the total content on the site ...")

- automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text (**col 6, lines 3-34**: "This allows ..., such that only a portion of the documents on the site need be translated ... this also gives the customer the option of translating only a subset of the total content on the site ..."; the fact that only a portion of the documents on the site need to be translated shows that the translated portion has a target language which is different from the language used for the entire web documents, and because the web documents include two languages together, the web documents are produced as a mixed translation of the text; **figure 5, #505**: the Language-specific elements implies that the specific elements in a document is translated into a target language which is different from the language of the entire documents)

Regarding claim 3, which is dependent on claim 1, Lakritz further discloses at least one target language comprises a plurality of languages resulting in translation into a mixed language content (**col 7, lines 3-27**: the fact that the invention allows *multilingual content* to be served in an HTML file implies that a plurality of languages is used in translating a content into a mixed language content).

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Claims 4 and 7 are for a system and a computer program product of method claim 1, and are rejected under the same rationale.

Claims 6 and 9 are for a system and a computer program product of method claim 3, and are rejected under the same rationale.

2. Claims 2, 5, 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz as applied to claims 1, 4, and 7 above, and further in view of Grefenstette (US Pat No. 6,396,951 B1, 5/28/02, filed 12/23/98).

Regarding claim 2, which is dependent on claim 1, Lakritz does not disclose using Language Guessing to determine the first language.

Grefenstette discloses using Language Guessing to determine the first language in translating documents from a first language to a second language or a target language (figure 3A, col 6, lines 18-41)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Grefenstette into Lakritz since Grefenstette teaches using Language Guessing to determine the language of the text to be translated providing the advantage to incorporate into Lakritz for easily identifying the first language of the text to be translated in case the language of the original document is not known in advance.

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Claims 5 and 8 are for a system and a computer program product of method claim 2, and are rejected under the same rationale.

3. Claims 10-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz (US Pat No. 6,623,529 B1, 9/23/03, filed 1/28/99, priority 2/23/98).

Regarding claim 10, which is dependent on claim 1, Lakritz does not explicitly disclose:

- using a second 'lang' attribute to set an additional language for another portion of the text which is different from the first language and the language specified by said HTML 'lang' attribute
- automatically programmatically translating the portion having the first language into said additional target language with said 'lang' attribute as a key for machine translation

However, Lakritz does disclose allowing multilingual content to be served in an HTML file where the corresponding translations are retrieved from one or more language databases (col 7, lines 20-30) and the option of translating only a subset of the total content on the site (col 6, lines 26-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Lakritz for using a second language attribute to set an additional language for another portion of text in the document and translating said text into the additional language for the following reason. The fact that Lakritz provides more than one language for translating the text in an HTML file as well as allowing multilingual content to be served in an HTML file suggests an additional language can

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be used for translating another portion of an HTML file since the multilingual content feature implies that the content of the HTML file can have more than one portions with different languages.

Claims 11 and 12 are for a system and a computer program product of method claim 10, and are rejected under the same rationale.

(10) Response to Argument

Appellant argue that Lakritz teaches translating an entire documents into a target language, not translating portions of a “single discreet [sic] document” as claimed, and the misquotation of Lakritz by the Examiner has lead the Examiner to mistakenly believe that “there are different languages included within a single document” (Brief, pages 5 and 7).

As known by Appellant, the Examiner asserted from the beginning that Lakritz discloses both: translating an entire document into a single target language and translating a portion or portions of a document into another language so that a mixed translation of an HTML document is produced (Final Action, Response to arguments 10/25/04).

Though the Examiner misquoted Lakritz, the feature “a portion of the documentss in the website”, which is the correct quote, was acknowledged in the Examiner’s Answer dated 3/3/06 (page 7: “*Lakritz further discloses that some of the documents in the website are translated into a second language (col 6, lines 21-34). Thus, a portion of the text of the website is in the second language. Therefore, the entire text of the website is in a*

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mixed language. In other words, the entire text of the website is produced as a mixed translation of the text").

Appellant further adds that the text is "a single discreet [*sic*] document" in the RCE filed 11/28/06 after the decision of the Board on 9/28/06.

Lakritz discloses that a *single document can easily support many languages*, and allowing *multilingual content to be served in a HTML file* (col 7, lines 3-30). Lakritz also shows how to perform a multilingual content in a document: *special tags* are provided to *insert language or country language into an HTML document* (col 5, lines 40-50) so that the HTML document, which is a single document, includes a portion with the inserted language and the remaining in an original language. Lakritz further discloses that portions of a document are translated to another language:

- "1. Machine Translation: *automatically translate the untranslated (i.e. new) sections of the document*" (col 13, lines 55-56)
- "MLSSI can be used to *separate out the language-specific components of an HTML document ...Place any language-specific parts of a document you wish to have managed by MLSSI in the respective language directories specified in the WP_Map file.*" (col 41, lines 57-67)

In other words, in Lakritz a single discrete document is produced as a mixed translation of text.

11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided in the appeal brief.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Cong-Lac Huynh
Primary Examiner
AU 2178
3/20/07

Conferees:


Heather Herndon
Stephen Hong